

Remarks/Arguments:

Claims 42-83 are presently pending in the above-identified application. Claims 68-82 were withdrawn from consideration. By this Amendment, claims 42, 52, 57-63, 67 and 83 are amended and claim 84 is newly added. No new matter is added. Reconsideration of claims 42-67 and 83 and examination of claim 84 is respectfully requested in view of the above amendment and following remarks.

Rejection of Claims 42, 47-53, 55, 57-58, 62-63, 67 and 83 Under 35 U.S.C. 103(a)

Section four of the Office Action recites that "Claims 42, 47-53, 55, 57-58, 62-63, 67 and 83 are rejected under 35 U.S.C. §103(a) as unpatentable over Tognazzini, US 6,295,482 B1 in view of Stallmann, US 7,089,322 B1."

Applicant traverses the rejection of these claims. Although not conceding the rejection, Applicant herein amends claims 42, 63 and 83 to advance prosecution.

Independent claim 42 is directed to a wireless system for communicating cashless vending transaction data and vending machine audit data to remote locations and includes at least one feature that is neither disclosed nor suggested by Tognazzini or Stallmann. The features of amended claim 42 include:

. . .
a base unit remote to the vending machine, said base unit comprising a second transceiver configured for wireless communication with said first transceiver, said base unit further comprising a communication interface for communicating with a remote location remote to the vending machine and the base unit, said base unit communicating data received from the vending machine to the remote location and communicating data received from the remote location to the vending machine,

wherein the base unit is configured to communicate a plurality of operating states to the VIU and the VIU is configured to initiate communication with the remote location responsive to receipt of a first one of the plurality of operating states from the base unit.

That is, the base unit is configured to communicate a plurality of operating states and responsive to receipt of a first one of the plurality of operating states, the VIU is configured to

initiate communication with the remote location. (See original specification at page 85, line 15 to page 86, line 6, for example.)

Tognazzini Reference

Tognazzini is directed to an electronic newspaper vending machine. As acknowledged in the Office Action, Tognazzini does not disclose or suggest, that "said base unit communicat[es] data received from the vending machine to the remote location and communicat[es] data received from the remote location to the vending machine." Furthermore, Tognazzini does not contemplate that "the base unit is configured to communicate a plurality of operating states to the VIU and the VIU is configured to initiate communication with the remote location responsive to receipt of a first one of the plurality of operating states from the base unit," as recited in amended claim 42.

Stallmann Reference

The addition of Stallmann does not overcome the deficiencies of Tognazzini. This is because, Stallmann does not disclose or suggest "the base unit is configured to communicate a plurality of operating states to the VIU and the VIU is configured to initiate communication with the remote location responsive to receipt of a first one of the plurality of operating states from the base unit," as recited in amended claim 42. Stallmann discloses that subscriber units (vending machines) 618 listen to a base station 710 to determine if the base station is busy, which allows the subscriber units to transmit only when a base station 710 is not busy. Stallman is silent, however, regarding the base station 710 communicating an operation state to a vending machine 618 and the vending machine 618 being configured to communicate with, for example, central computer 612 responsive to receipt of a first operation state.

Accordingly, Applicant respectfully submits that amended claim 42 is allowable. Withdrawal of the rejection of claim 42, as unpatentable over Tognazzini in view of Stallmann, is respectfully requested.

Independent claims 63 and 83, while not identical to claim 42, include features similar to the allowable features discussed above with respect to claim 42. Accordingly, Applicant contends that Independent claims 63 and 83 are also allowable over Tognazzini in view of Stallmann for at least the reasons set forth above. Withdrawal of the rejection of claims 63 and 83 as obvious over Tognazzini in view of Stallmann is respectfully requested.

Claims 47-53, 55, 57-58, 62 and 67

Claims 47-53, 55, 57-58, 62 and 67 include all the features of independent claims 42 or 63 from which they ultimately depend. Therefore, Applicant contends claims 47-53, 55, 57-58, 62 and 67 are also allowable for at least the reasons that claims 42 or 63 is allowable. Accordingly, withdrawal of the rejections of claims 47-53, 55, 57-58, 62 and 67 as obvious over Tognazzini in view of Stallmann is respectfully requested.

Rejection of Claims 43, 56, 59-60 and 64 Under 35 U.S.C. 103(a)

Section five of the Office Action recites that "Claims 43, 56, 59-60 and 64 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tognazzini, US 6,295,482 B1 in view of Stallmann, US 7,089,322 B1 an in further view of Official Notice."

Applicant respectfully traverses this rejection.

Applicant respectfully submits that these claims are allowable over Tognazzini in view of Stallmann in further view of the Official Notice for at least the reasons set forth below.

Applicant contends claims 43, 56, 59-60 and 64, which include all of the features of claims 42 or 63, are allowable over Tognazzini in view of Stallmann for at least the reasons their respective base claims are allowable.

The addition of the Official Notice: (1) that certain types of transceivers are well known; (2) that the base unit is wall mounted is well known; and (3) that encryption and decryption of data is well known, does not overcome the deficiencies of Tognazzini in view of Stallmann.

Accordingly, withdrawal of the rejections of claims 43, 56, 59-60 and 64 as unpatentable over Tognazzini in view of Stallmann in further view of the Official Notice is respectfully requested.

Rejection of Claims 44 and 65 Under 35 U.S.C. 103(a)

Section six of the Office Action recites that "Claims 44 and 65 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tognazzini, US 6,295,482 B1 in view of Stallmann, US 7,089,322 B1, and in further view of Aguayo, Jr. et al., US 6,285,856 B1."

Applicant respectfully traverses this rejection.

Applicant respectfully submits that these claims are allowable over Tognazzini in view of Stallmann in further view of Aguayo, Jr. for at least the reasons set forth below.

Applicant contends claims 44 and 65, which include all of the features of claims 42 or 63, are allowable over Tognazzini in view of Stallmann for at least the reasons their respective base claims are allowable.

Aguayo Jr. Reference

The addition of Aguayo Jr. does not overcome the deficiencies of Tognazzini in view of Stallmann. Aguayo Jr., which is directed to a communication system which can be utilized to complement an existing cable television system, does not disclose or suggest that "the base unit is configured to communicate a plurality of operating states to the VIU and the VIU is configured to initiate communication with the remote location responsive to receipt of a first one of the plurality of operating states from the base unit," as recited in amended claim 42 and similarly in amended claim 63. Because Tognazzini, Stallmann and Aguayo Jr. (either alone or in any proper combination) fail to disclose or suggest all the features of independent claims 42 and 63, Applicant contends dependent claims 44 and 65 are also allowable for at least the reasons their respective base claims are allowable. Withdrawal of the rejection of claims 44 and 65 as obvious over Tognazzini, Stallmann and Aguayo is respectfully requested.

Rejection of Claims 45 and 46 Under 35 U.S.C. 103(a)

Section seven of the Office Action recites that "Claims 45-46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tognazzini, US 6,295,482 B1 in view of Stallmann, US 7,089,322 B1, and in further view of Bensky et al., US 6,859,761 B2."

Applicant respectfully traverses this rejection.

Applicant respectfully submits that these claims are allowable over Tognazzini, Stallmann and Bensky for at least the reasons set forth below.

Applicant contends claims 45 and 46, which include all of the features of claim 42, are allowable over Tognazzini in view of Stallmann for at least the reasons claim 42 is allowable.

Bensky Reference

The addition of Bensky does not overcome the deficiencies of Tognazzini in view of Stallmann. Bensky, which is directed to accurate distance measurement using RF techniques, does not disclose or suggest that "the base unit is configured to communicate a plurality of operating states to the VIU and the VIU is configured to initiate communication with the remote

location responsive to receipt of a first one of the plurality of operating states from the base unit," as recited in amended claim 42. Because Tognazzini, Stallmann and Bensky (either alone or in any proper combination) fail to disclose or suggest all of the features of independent claim 42, Applicant contends dependent claims 45 and 46 are also allowable for at least the reason claim 42 is allowable. Withdrawal of the rejection of claims 45 and 46 as obvious over Tognazzini, Stallmann and Bensky is respectfully requested.

Rejection of Claims 54 and 66 Under 35 U.S.C. 103(a)

Section eight of the Office Action recites that "Claims 54 and 66 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tognazzini, US 6,295,482 B1 in view Stallmann, US 7,089,322 B1, and in further view of Cahalan, US 4,737,967."

Applicant respectfully traverses this rejection.

Applicant respectfully submits that these claims are allowable over Tognazzini, Stallmann and Cahalan for at least the reasons set forth below.

Applicant contends claims 54 and 66, which include all of the features of claims 42 or 63, are allowable over Tognazzini in view of Stallmann for at least the reasons their respective independent claims 42 or 63 are allowable.

Cahalan Reference

The addition of Cahalan does not overcome the deficiencies of Tognazzini in view of Stallmann. Cahalan, which is directed to a remote monitoring system receiver with a dual baud rate selector, does not disclose or suggest that "the base unit is configured to communicate a plurality of operating states to the VIU and the VIU is configured to initiate communication with the remote location responsive to receipt of a first one of the plurality of operating states from the base unit," as recited in amended claim 42 and similarly in amended claim 63. Because Tognazzini, Stallmann and Cahalan (either alone or in any proper combination) fail to disclose or suggest all of the features of independent claim 42 or 63, Applicant contends dependent claims 54 and 66 are also allowable for at least the reasons claim 42 or 63 are allowable. Withdrawal of the rejection of claims 54 and 66 as obvious over Tognazzini, Stallmann and Cahalan is respectfully requested.

Rejection of Claim 61 Under 35 U.S.C. 103(a)

Section nine of the Office Action recites that "Claim 61 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tognazzini, US 6,295,482 B1 in view Stallmann, US 7,089,322 B1, and in further view of Johnson, US 6,804,252."

Applicant respectfully traverses this rejection.

Applicant respectfully submits that these claims are allowable over Tognazzini, Stallmann and Johnson for at least the reasons set forth below.

Applicant contends claim 61, which includes all of the features of claim 42, is allowable over Tognazzini in view of Stallmann for at least the reasons claim 42 is allowable.

Johnson Reference

The addition of Johnson does not overcome the deficiencies of Tognazzini in view of Stallmann. Johnson, which is directed to an automatic reverse channel assignment in a two-way TDM communication system, does not disclose or suggest that "the base unit is configured to communicate a plurality of operating states to the VIU and the VIU is configured to initiate data communication with the remote location responsive to receipt of a first one of the plurality of operating states from the base unit," as recited in amended claim 42. Because Tognazzini, Stallmann and Johnson (either alone or in any proper combination) fail to disclose or suggest all of the features of amended claim 42, Applicant contends dependent claim 61 is also allowable for at least the reasons claim 42 is allowable. Withdrawal of the rejection of claim 61 as obvious over Tognazzini, Stallmann and Johnson is respectfully requested.

New Claim

Claim 84 is newly added. Claim 84, which includes all of the features of claim 42, is submitted to be allowable for at least the reasons independent claim 42 is allowable, as well as for the features recited therein. Support for newly added claim 84 can be found throughout the application as originally filed. For example, see page 85, line 15 to page 86, line 6.

Conclusion

In view of the claim amendments, new claim and remarks, Applicant submits that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

RatnerPrestia



Stephen J. Weed, Reg. No. 45,202
Eric Berkowitz Reg. No. 44,030
Attorneys for Applicant

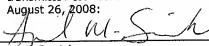
SJW/EB/ams

Dated: August 26, 2008

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

I hereby certify that this correspondence is being electronically transmitted to: Commissioner for Patents, Alexandria, VA on August 26, 2008:



April Smith

322591_2